

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1, 4, 6-8, 11, 13-15, and 25-27 are pending in the application. Independent Claims 1, 7, 8, and 14 are amended to include a recitation of a nail and a screw.

In the Office Action Claims 1, 4, 6-8, 11, and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art Figures 17-21 in view of U.S. Patent No. 2,249,125 to Gabriel, Japanese Publication No. 11-293890 to Katsuyuki, and German Publication No. 33 04 806 to Helfrecht. These rejections are respectfully traversed.

The Office Action recognizes that Applicant's Figs. 17-21 do not disclose a lower abutting portion that abuts the underlayment at its lower position, and upper rising portion including a horizontal plane portion that is arranged to form a substantially right angle with respect to the central plate portion and forming in a frontward rising manner from the upper abutting portion, the lower abutting portion including a screw hole, the screw hole and nail hole being at substantially equidistance from the support portion, the screw hole extending along a first axis in a first direction perpendicular to a surface of the underlayment with the screw hole formed on one side of the support portion and the nail hole formed on the opposite site of the support portion from the screw hole. Applicant respectfully disagrees with the Office Action's assertion that Katsuyuki cures the deficiencies of Applicant's Figs. 17-21.

Katsuyuki does not disclose a screw hole formed on one side of the support portion and a nail hole formed on the opposite side of the support portion from the screw hole, a nail positioned through the nail hole along the second axis toward the framework and a screw positioned through the screw hole along the first axis toward the framework, as in amended Claims 1, 7, 8 and 14. Instead, the English machine translation of Katsuyuki, at paragraph 14, clearly discloses that holes 11 and 12 are screw holes.

Furthermore, screw holes 11 and 12 of Katsuyuki are not appropriate for use as nail holes. From the view of strength and constructionability, a nail must be fixed diagonally, oblique to an underlayment, and downward and a screw must be fixed vertically or perpendicular to an underlayment. Thus, a nail hole is consequently formed on a sloped portion and a screw hole is consequently formed on the lower abutting portion, which is a vertical, flat surface. Thus, it is apparent that a nail hole is formed on the sloped portion and a screw hole is formed on the lower abutting portion.

Gabriel and Helfrecht do not provide the deficiencies of Applicant's Figs. 17-21 and Katsuyuki.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after Final Rejection permits entering of amendments. The present Amendment does not raise any new issues requiring further considerations and/or search. It is therefore respectfully requested that the present Amendment be entered under 37 C.F.R. § 1.116.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Application No. 09/930,212
Reply to Office Action of July 13, 2005.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

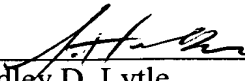
Respectfully submitted,

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